

**Arizona State Board for Charter Schools**

May 10, 2004  
Executive Tower  
1700 West Washington  
Phoenix, Arizona 85007  
2<sup>nd</sup> Floor Conference Room

**MINUTES**

**Members Present**

Kurt Davis – President  
Mary Gifford – Superintendent’s Designee  
Lynne Adams – Public Member  
Cassandra Larsen - Public Member  
Jose Gabriel Loyola – Public Member  
Mary Lynn Kelly -Business Member  
Onnie Shekerjian- Public Member

**Members Absent**

Kimberly Mosher–Vice President  
Paul Smiley-Business Member  
Senator Linda Aguirre - Advisory  
Representative John Huppenthal - Advisory  
Representative Ted Carpenter - Advisory

Meeting began at 9:05 AM

**Agenda Item A—Pledge of Allegiance**

**Agenda Item B—Moment of Silence**

**Agenda Item C—Roll Call:** Traci Sawyer-Sinkbeil called the roll and confirmed a quorum. Mary Lynn Kelly arrived at 9:08am

**Agenda Item D— Call to the Public**

Tanya Alvarez of Project No and La Raza Unida spoke of concerns regarding Cesar Chavez Middle School and Aztlan Academy.

Alexis Arenas, former student of Aztlan Academy, described the problems she has had with the teachers of the school.

Maria Fregoso, parent of Aztlan Academy, stated that she has been refused a meeting with the school since her son was expelled. She felt her due process rights were denied.

Leticia Barron, former student of Aztlan Academy, held a protest against the school. She stated that she was told a meeting would take place but meeting was cancelled by administration.

Terry Reyna, a concerned parent, stated she has witness abuse at the school and has had confrontations with

Sister Judy Bisignano.

Dr. Judy Bisignano, director of Cesar Chavez Middle School and Aztlan Academy, explained the general makeup of the school. Both schools have had problems with drug use on campus, as well as, sexual activity. Project Yes, former name of the school, originally stated as an after school program, that evolved into a charter school.

**Agenda Item E— Presentation—** National Assessment of Educational Progress (NAEP)—Dr. Cindy Paredes, Arizona NAEP Coordinator, Arizona Department of Education.

Dr. Cindy Paredes provided the Board with an overview of Arizona's NAEP activities. NAEP, also known as the "nation's report card", provides information on state and national student achievement and how that achievement has changed over time. The No Child Left Behind Act requires that NAEP assessments be administered in reading and mathematics at grades 4 and 8 every two years. States and schools that receive federal funding to aid educationally disadvantaged students in high poverty areas must participate in these assessments.

The Board requested staff to post a link on the ASBCS website and add the link to the Board Briefs.

**Agenda Item F—Consent Agenda—**

**1. Academy of Tucson—**Request for an exception to the Procurement Laws.

**2. Acclaim Charter School—**Request for an exception to the USFRCS and Procurement Laws.

**3. American Basic Schools, LLC dba Burke Basic School—**Request for an exception to the USFRCS.

**4. American Basic Schools, LLC dba Burke Basic School—**Request for an exception to the Procurement Laws.

**5. Discovery Plus Academy—**Request for an exception to the USFRCS and Procurement Laws.

**6. Horizon Community Learning Center, Inc.—**Request for an exception to the USFRCS and Procurement Laws.

**7. Mingus Springs Charter School—**Request for a change in their description of their program of instruction.

**MOTION**

Motion by Onnie Shekerjian to approve Consent Agenda.  
Motion seconded by Jose Gabriel Loyola.

**Motion passes unanimously**

**Agenda Item G-- Superintendent's Report**

None

**Agenda Item H-- Executive Director's Report.**

Kristen Jordison provided an update of the status of school with board actions. She stated the following schools have submitted their FY03 annual financial audit

since the last board meeting:  
Ascending Roots Scholastic & Athletic Premise  
AZ-TEC High School  
Aztlán Academy  
Cesar Chavez Middle School  
EAGLE Academy  
Jefferson Patriots  
Luz Social Services

Kristen provided an updated board calendar to the Board that reflects that there will be no August meeting.

**Agenda Item I— Subcommittee Reports and Action Items:**

1. Legislative Subcommittee Report— Legislative update and review of committee actions-- Michele Diamond.

Michele Diamond reviewed the Legislative Tracker with the Board and answered questions on various bills. Michele Diamond informed the Board that HB 2255, which would enable the Board to bypass the State Board of Education for an expedited process to withhold state aid, has been signed by the Governor. Additionally, HB 2580, which would add two more members to the Board and require that one of the public members reside on an Indian reservation, was amended in conference committee to include the Board's continuation. The changes were adopted by the Senate and are now awaiting action in the House. Finally, Michele Diamond reported that SB 1405 continues the moratorium on the State Board of Education (SBE) from sponsoring any additional charter schools for fiscal year 2004-2005 and requires the SBE to enter into an intergovernmental agreement with the Board to provide oversight for SBE-sponsored charter schools.

Onnie Shekerjian raised concern related to the full-day kindergarten legislation now being considered by the Legislature. Board members discussed amending their support for full-day kindergarten to specify support as long as there is money provided for charter schools to meet mandates. Assistant Attorney General Kim Anderson advised the Board that taking action was not on the agenda for this item. President Davis stated since the item was not properly agendaized, the Board could not take a new position on the bill. The Board would hold a special meeting to address this bill.

2. Charter Oversight/Strategic Planning and Implementation Report—Update and review of committee actions—Cassandra Larsen.

The subcommittee did not meet in April.

3. First read and discussion on a policy regarding the issuance of disciplinary actions with associated timeframes, violations, and criteria.

Cassandra Larsen discussed the progress the committee has made on the draft policy. She stated that the Board wanted a framework from which staff works and the Board makes decisions. Additionally, the policy describes how schools will be provided the opportunity for input and outlines due process on decisions made by the Board.

The Board reviewed and discussed the policy, which describes the Board's statutory authority, factors to consider in determining appropriate board action, and staff investigation and report. The policy incorporating the Board's recommended changes will be brought before the Board in June for its second and final read.

**Agenda Item J-- Transfer Applications:**

1. Transfer/Assignment of Charter Contract—Discussion and possible action on the request to transfer/assign the charter contract from the following existing charter contracts to the following sites (the following charter schools submitted a timely, complete transfer application and are in compliance with their charter contract):

**a. Arizona Engineering Preparatory, Inc – Arizona Agribusiness and Equine Center**

Linda Proctor Downing, charter representative for Arizona Engineering Preparatory, Inc. answered questions from the Board.

**MOTION**

Motion made by Mary Gifford to approve the transfer/assignment of Charter Contract for **Arizona Engineering Preparatory, Inc.** Motion seconded by Lynne Adams.

**Motion passes  
(Loyola abstained)**

**b. StarShine Academy – Phoenix School of Academic Excellence**

b. Patricia Adams, charter representative for StarShine Academy answered questions from the Board

**MOTION**

Motion made by Mary Gifford to approve the transfer/assignment of Charter Contract for **StarShine Academy.** Motion seconded by Lynne Adams.

**Motion passes  
(Loyola abstained)**

2. Transfer Applications—Discussion and possible action on the request to transfer the contract from their current sponsor to the Arizona State Board for Charter Schools for the following schools (the following charter schools submitted a timely, complete transfer application and are in compliance with their charter contract):

- a. Akimel O'Otham Pee Posh (K-2)**
- b. Akimel O'Otham Pee Posh (3-4)**
- c. Cornerstone Charter School**

**d. Happy Valley Charter School**  
**e. Cholla Academy dba Westland**

a. & b. Jacqueline Power, Director of Akimel O’Otham Pee Posh K-2 and 3-4 answered questions from the Board.

c. George Smith, charter representative of Cornerstone Charter School answered questions from the Board.

d. Glen Gaddie, charter representative of Happy Valley Charter School answered questions from the Board.

Since there was no representation from Cholla Academy dba Westland, this item was tabled until the June board meeting.

**Agenda Item K**— Discussion and possible action on the request for an extension of the execution of the charter contract and/or an extension of the first day of operation:

**1.Canyon State Academy**

President Davis recused himself from the discussions and actions for Canyon State Academy and turned the meeting over to Cassandra Larsen. Mary Gifford also recused herself from the discussions and actions for Canyon State Academy.

**2.East Mesa Charter Elementary School**

Nancy Hall and Parker Hudnut provided information and answered questions from the Board.

Onnie Shekerjian recused herself from the discussions and actions for East Mesa Charter Elementary School.

**3.Gold Canyon College Preparatory**

Kristen provided information regarding Gold Canyon College Preparatory. She stated Shawn Dalman could not attend today’s meeting and requested the item be tabled until the June meeting.

**Board break from 10:43am to 10:57am**

**MOTION**

Motion made by Cassandra Larsen to approve the transfer applications of **Akimel O’Otham Pee Posh (K-2), Akimel O’Otham Pee Posh (3-4), Cornerstone Charter School, and Happy Valley Charter School.** Motion seconded by Mary Gifford.

**Motion passes unanimously**

**MOTION**

Motion made by Onnie Shekerjian to reject the request for an extension of the execution of the charter contract for **Canyon State Academy** and encouraged the charter to reapply. Motion seconded by Jose Gabriel Loyola.

**Motion passes**  
(Davis, Gifford recused)

**MOTION**

Motion made by Mary Lynn Kelly to approve the request for an extension of the execution of the charter contract for **East Mesa Charter Elementary School.** Motion seconded by Cassandra Larsen.

**Motion passes**  
(Shekerjian recused)

**Agenda Item L.Action Items:**

**1. CI Wilson Academy II, Phoenix College Preparatory, & South Mountain College Preparatory**

—Discussion and possible action on the request to voluntarily surrender the charter contracts.

Kristen Jordison and Asst. Attorney General Kim Anderson provided a brief background on the issues and meetings that resulted in the surrender request being brought to the Board. Charles Wilson, charter representative, who submitted the voluntary surrender request to the Board, responded to questions raised by the Board. President Davis stated that there are two options. If Charles Wilson still wanted to, the Board would take action on Charles Wilson's request to voluntarily surrender the three charters. If Charles Wilson wanted to withdraw his request, the Board would re-agenda the three charters for its June meeting to consider issuing Notices of Intent to Revoke. Charles Wilson stated that he wanted to proceed with the voluntary surrender of the three charters.

2. Educational Administrative Services Corporation, Discovery Academy—The Board will receive information to determine whether evidence exists that Educational Administrative Services Corporation, Discovery Academy is in breach of one or more provisions of its charter contract, federal, state, or local laws regarding its failure to provide a comprehensive program of instruction.

3. Educational Administrative Services Corporation, Fillmore Academy & MorningStar Academy—The Board will receive information to determine whether evidence exists that Educational Administrative Services Corporation, Fillmore Academy & MorningStar Academy is in breach of one or more provisions of its charter contract, federal, state, or local laws regarding its failure to provide educational services for one of two of the contracted sites.

Kristen Jordison provided a brief background for the Board regarding Educational Administrative Services Corporation, Discovery Academy.

4. Rolling Hills Charter School—Presentation, discussion and possible action on information contained in the fiscal year ending June 30, 2002 annual audit and questionnaire and the fiscal year ending June 30, 2003 annual audit and questionnaire.

Kristen reminded the Board that Rolling Hills Charter School was brought before the board in February due to the numerous and significant issues outlined in their FY

**MOTION**

Motion made by Mary Gifford to accept, based on statements made by Charles Wilson at the meeting and the written request, the voluntary surrender of **CI Wilson Academy II, Phoenix College Preparatory, & South Mountain College Preparatory**, to include the completion reports of all grants, and a sealed and unsealed transcript provided to all students. Motion seconded by Jose Gabriel Loyola.

**Motion passes  
(1 no, Kelly)**

**MOTION**

Motion made by Mary Gifford to accept the Consent Agreement for Voluntary Surrender and Termination of the Charter Contract for **Educational Administrative Services Corporation-Discovery Academy** and to approve the site closure notification request of **Educational Administrative Service Corporation's (EASC) Fillmore Academy** dated March 5, 2004 upon the State's receipt of EASC's full refund of state equalization assistance funds received for the 2003-2004 school year for EASC's operation of Discovery Academy and with the addendum that modified the charter contract to provide that EASC shall not take action on or implement the addition of sites to its charter contract without the prior approval and written consent of the Board. Motion seconded by Onnie Shekerjian.

**Motion passes unanimously**

2002 annual financial audit. At that meeting the Board passed a motion to withhold 10% of the school's monthly state aid. Additionally, the Board directed the staff to review and present information in regard to the fiscal year 2003 annual financial audit.

Kristen presented that the fiscal year 2003 audit reflects that the school has resolved the significant financial issues found in the fiscal year 2002 audit. However, the 2003 audit does raise concern in several compliance areas. Specifically, the audit reveals violations of the fingerprinting of teachers and aides, failure to conduct background checks on other employees, and violations of background checks on board members; ADM over and under reporting; failure to retain records of board meeting notices; arrears on payroll taxes; and approximately \$13,000 of the \$16,000 received in Prop. 301 was not spent in accordance with the restrictions outlined in statute.

Kay Deliman, charter representative, responded to questions from the Board.

#### **Agenda Item N—Approval of Minutes**

April 12, 2004

#### **Agenda Item O—Adjournment**

The meeting adjourned at approximately 11:57am.

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Signature

Date

#### **MOTION**

Motion made by Mary Gifford to continue withholding 10% and issue a Notice of Intent to Revoke the charter of **Rolling Hills Charter School** based upon issues identified in the FY 2003 audit to include: open meeting law violations, over and under estimating ADM, failure to properly disburse and maintain Prop 301 Classroom Site Fund monies, failure to properly perform background checks on staff and board members, failure to maintain fingerprint clearance cards for all instructional staff. Motion seconded by Onnie Shekerjian.

**Motion passes unanimously**

#### **MOTION**

Motion made by Mary Gifford to require the administration of **Rolling Hills Charter School** to notify parents of the Notice of Intent to Revoke and to refer this case to the Office of Administrative Hearings for consideration of the findings of fact and conclusion of law. Motion seconded by Lynne Adams.

**Motion passes unanimously**

#### **MOTION**

Motion made by Lynne Adams to approve the minutes of April 12, 2004. Motion seconded by Cassandra Larsen.

**Motion passes unanimously**

#### **MOTION**

Motion by Mary Gifford to adjourn the meeting. Motion seconded by Lynne Adams.

**Motion passes unanimously**